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UTILITY PATENT APPLICATION TRANSMITTAL

(only for new nonprovisional applications under 37 CFR 1.53(b))

<i>Attorney Docket No.</i>	P686 CON2 (1737.1540002/TUM/JKM)
<i>First Inventor</i>	Eric P. BERG
<i>Title</i>	Medical Device for Delivering a Therapeutic Substance and Method Therefor
<i>Express Mail Label No.</i>	

APPLICATION ELEMENTS*See MPEP chapter 600 concerning utility patent application contents.***ADDRESS TO:**

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

1. Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original, and a duplicate for fee processing)
2. Applicant claims small entity status.
See 37 CFR 1.27.
3. Specification [Total Pages 20]
(preferred arrangement set forth below)
 - Descriptive title of the Invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (*if filed*)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. Drawing(s) (35 U.S.C. 113) [Total Sheets 4]
5. Oath or Declaration [Total Pages 2]
 - a. Newly executed (original or copy)
 - b. Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional with Box 18 completed)*
 - i. DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. Application Data Sheet. See 37 CFR 1.76.

7. CD-ROM or CD-R in duplicate, large table or Computer Program (*Appendix*)
8. Nucleotide and/or Amino Acid Sequence Submission (*if applicable, all necessary*)
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. paper
 - c. Statements verifying identity of above copies

22581 U.S.PTO
10/727534

**ACCOMPANYING APPLICATION PARTS**

9. Assignment Papers (cover sheet & document(s))
10. 37 CFR 3.73(b) Statement Power of Attorney (*when there is an assignee*)
11. English Translation Document (*if applicable*)
12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
13. Preliminary Amendment
14. Two (2) Return Receipt Postcards (MPEP 503) *(Should be specifically itemized)*
15. Certified Copy of Priority Document(s) (*if foreign priority is claimed*)
16. Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. Other: Authorization under 37 C.F.R. § 1.136(a)(3)
18. Other: The name of the Assignee is: Medtronic Vascular, Inc.

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-Part (CIP)
Prior application information: Examiner Jeremy Thissell of prior application No: 09/769,423
Art Unit: 3763

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

Customer Number **28390**

or Correspondence address below

<i>NAME</i>	MEDTRONIC VASCULAR, INC.				
	Legal Department				
<i>ADDRESS</i>	3576 Unocal Place				
<i>CITY</i>	Santa Rosa	<i>STATE</i>	CA	<i>ZIP CODE</i>	95403
<i>COUNTRY</i>	U.S.A.	<i>TELEPHONE</i>	(707) 543-0221	<i>FAX</i>	(707) 543-5420

<i>NAME (Print/Type)</i>	Teresa U. Medler	<i>Registration No. (Attorney/Agent)</i>	44,933
<i>SIGNATURE</i>			

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BERG *et al.*

Appl. No. *To Be Assigned* (Rule 53(b)
Continuation of U.S. Application No.
09/769,423)

Filed: *Herewith (December 5, 2003)*

For: **Medical Device for Delivering a
Therapeutic Substance and
Method Therefor**

Confirmation No. *To Be Assigned*

Art Unit: *To Be Assigned*

Examiner: *To Be Assigned*

Atty. Docket: P686 CON2
(1737.1540002/TUM/JKM)

**Authorization To Treat A Reply As Incorporating An Extension Of
Time Under 37 C.F.R. § 1.136(a)(3)**

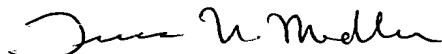
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The U.S. Patent and Trademark Office is hereby authorized to treat any concurrent or future reply that requires a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. The U.S. Patent and Trademark Office is hereby authorized to charge all required extension of time fees to our Deposit Account No. 19-0036, if such fees are not otherwise provided for in such reply.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.


Teresa U. Medler
Attorney for Applicants
Registration No. 44,933

Date: December 5, 2003

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SKGF_DC1.206521.1



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December 5, 2003

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Mail Stop Patent Application

Re: U.S. Continuation Utility Patent Application under 37 C.F.R. § 1.53(b)
Appl. No. *To Be Assigned*; Filed: *Herewith (December 5, 2003)*
(Rule 53(b) Continuation of U.S. Application No. 09/769,423)

For: **Medical Device for Delivering a Therapeutic Substance
and Method Therefor**

Inventors: **BERG et al.**

Our Ref: **P686 CON2 (1737.1540002/TUM/JKM)**

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. PTO Fee Transmittal (Form PTO/SB/17);
2. PTO Utility Patent Application Transmittal (Form PTO/SB/05);
3. Authorization to Treat a Reply As Incorporating An Extension of Time Under 37 C.F.R. § 1.136(a)(3);
4. PTO-2038 Credit Card Payment Form;
5. Rule 53(b) Continuation U.S. Utility Patent Application entitled:

Medical Device for Delivering a Therapeutic Substance and Method Therefor

and naming as inventors:

Commissioner for Patents
December 5, 2003
Page 2

Eric P. BERG
Thomas Q. DINH

the application consisting of:

- a. Application Data Sheet;
 - b. A copy of the Declaration executed by Eric P. BERG and Thomas Q. DINH on June 17, 1997 (2 pages) as filed in the parent Application No. 09/769,423, and as originally filed in 35 U.S.C. § 120 priority U.S. Appl. No. 08/877,532;
 - c. A specification containing 20 total pages:
 - i. 13 pages of description prior to the claims;
 - ii. 6 pages of claims (39 claims); and
 - iii. a one (1) page abstract; and
 - d. 4 sheets of formal drawings (Figures 1, 2, 3, 4, 5a, and 5b); and
6. Two (2) return postcards.

It is respectfully requested that, of the two attached postcards, one be stamped with the filing date of these documents and returned to our courier, and the other, prepaid postcard, be stamped with the filing date and unofficial application number and returned as soon as possible.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.


Teresa U. Medler
Attorney for Applicants
Registration No. 44,933

TUM/JKM/acr
Enclosures

SKGF_DC1:206454.1

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120503

13281

FEE TRANSMITTAL

for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) **1,112.00****METHOD OF PAYMENT (check all that apply)**

- Check Credit card Money Order Other** None
 ** Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.

Deposit Account
 Deposit Account Number 19-0036

Deposit Account Name: Sterne, Kessler, Goldstein & Fox P.L.L.C.

The Commissioner is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any over payments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION**1. BASIC FILING FEE****Large Entity Small Entity**

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	770.00
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1105	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) **770.00****2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	39	- 20** =	19	X	18	=	342.00
Indep. Claims	2	- 3** =	0	X	86	=	0.00
Multiple Dependent						=	0.00

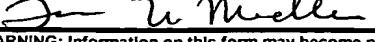
Large Entity	Small Entity	Fee Description		
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) **342.00**

**or number previously paid, if greater; For Reissue, see above

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Teresa U. Medler	Registration No. (Attorney/Agent)	44,933	Telephone	202-371-2600
Signature				Date	December 5, 2003

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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